



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

DA 02-909

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

April 19, 2002

**PLEADING CYCLE ESTABLISHED FOR
NOTICE OF PROPOSED RULEMAKING REGARDING
THE APPROPRIATE REGULATORY TREATMENT FOR
BROADBAND ACCESS TO THE INTERNET OVER CABLE FACILITIES**

CS DOCKET NO. 02-52

Comment Date: June 17, 2002

Reply Comment Date: July 16, 2002

On March 15, 2002, the Federal Communications Commission released the *Declaratory Ruling and Notice of Proposed Rulemaking*¹ addressing the legal classification of cable modem service and the regulatory consequences of that classification.

The *Notice of Proposed Rulemaking* was published in the Federal Register at **67 Fed. Reg. 18848 (April 17, 2002)**. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before **June 17, 2002** and reply comments on or before **July 16, 2002**. Comments may be filed using the Commission's Electronic Filing System (ECFS), at [<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html), or by filing paper copies.² All filings must reference **CS Docket No. 02-52**. Given recent changes in the Commission's mail delivery system, parties are strongly urged to use the ECFS to file their pleadings. Comments sent through the ECFS can be sent as an electronic file via the Internet to [<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html). Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, electronic filers should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing in CS Docket No. 02-52. If parties want each Commissioner to receive a personal copy of their comments, an

¹ *Inquiry Concerning High-Speed Access to the Internet over Cable and Other Facilities, Internet Over Cable Declaratory Ruling, Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities*, GN Docket No. 00-185, CS Docket No. 02-52, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 02-77 (rel. Mar. 15, 2002).

² See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

original plus nine copies must be filed. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission. Parties also must serve either one copy of each filing via e-mail or two paper copies with Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or e-mail at qualexint@aol.com. In addition, six copies of each filing must be filed with Steve Garner, Media Bureau, 445 12th Street, S.W., 4-C468, Washington, D.C., 20554, sgarner@fcc.gov.

This is a “permit-but-disclose” proceeding for purposes of the Commission’s *ex parte* rules.³ As a “permit-but-disclose” proceeding, *ex parte* communications will be governed by section 1.1206(b) of the Commission’s rules.⁴ *Ex parte* presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁵ Additional rules pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission’s rules.⁶ Parties submitting written *ex parte* presentations or summaries of oral *ex parte* presentations are urged to use the Electronic Comment Filing System (“ECFS”) in accordance with the Commission rules discussed above. Parties filing paper *ex parte* submissions must file an original and one copy of each submission with the Commission’s Secretary, Marlene H. Dortch, at the appropriate address above for filings sent by either U.S. mail, overnight delivery, or hand or messenger delivery. Parties must also serve either one copy of each *ex parte* filing via e-mail or two paper copies with Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or e-mail at qualexint@aol.com. In addition, three copies of each *ex parte* filing must be filed with Steve Garner, Media Bureau, 445 12th Street, S.W., 4-C468, Washington, D.C. 20554, sgarner@fcc.gov.

For further information, the Media Bureau contact for this proceeding is Steve Garner at (202) 418-1063, sgarner@fcc.gov.

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³ See generally 47 C.F.R. §§ 1.1200-1.1216.

⁴ 47 C.F.R. § 1.1206(b).

⁵ See 47 C.F.R. § 1.1206(b)(2), as revised.

⁶ 47 C.F.R. § 1.1206(b), as revised.